

REMARKS

Claims 1, 8, 12 and 13 have been amended, without prejudice or disclaimer. Claims 19-35 have been added. No new matter has been introduced. Support for the amended claims and the new claims is found throughout the specification, claims, and drawings as originally filed. Thirty-five (35) claims are pending and remain for consideration. Favorable reconsideration of the pending claims and further examination of the application is respectfully requested.

Claim 13 has been amended to correct a minor typographical error. This amendment is not made to avoid prior art or otherwise required for purposes related to patentability.

35 U.S.C. § 112 (Second Paragraph)

Claims 8-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the term "hole" in claim 8 lacked antecedent basis. Applicants amended claim 8, without prejudice or disclaimer, to change its dependency from claim 1 to claim 7, which recites "a hole". This amendment is not made to avoid prior art or otherwise required for purposes related to patentability.

Lines 5 and 6 of claim 12 recite an "annular groove", where Applicants intended to recite a "hole". Lines 5 and 6 of claim 12 have been amended to change the terms "annular groove" to "hole". This amendment is not made to avoid prior art or otherwise required for purposes related to patentability.

35 U.S.C. § 102

Claims 1-7 and 13-18 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 5,381,571, issued to Gabhart. This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the applicant's claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1 recites an assist handle assembly for use on an articulating bed. The assembly comprises an assist handle, a handle mount, and one or more (not in Gabhart) latch configurations. The handle mount is adapted to be supported by the bed and is provided for supporting the assist handle for movement relative to the bed. The latch configurations are provided for latching the assist handle in one or more fixed positions relative to the bed.

Gabhart does not disclose an assist handle assembly but instead discloses a closure 22 (see line 24 of col. 2). The closure closes gaps between guard rails (see line 30 of col. 1), it does not aid an occupant in entering and exiting the bed. The closure is not mounted to the bed but rather is mounted to a locking mechanism 29 (see lines 23-57 in col. 2), which likewise is not mounted to the bed but instead is mounted to a guardrail. Since Gabhart fails to describe each and every element as set forth in claim 1, the rejection of claim 1 is improper.

Claims 2-18 depend from claim 1 and should be allowable for at least the same reasons as claim 1, as set forth above.

In addition, claim 3 further limits the assist handle to include an inverted U-shaped tubular structure and the first and second members are defined by legs of the U-shaped structure. Gabhart does not disclose an inverted U-shaped tubular structure. Instead, Gabhart discloses a closed loop tubular frame 23 (see Fig. 3). Since Gabhart fails to describe each and every element as set forth in claim 3, the rejection of claim 3 is improper.

Claim 4 further includes one or more cross members extending between the first and second members. Gabhart fails to disclose a cross member. Since Gabhart fails to describe each and every element as set forth in claim 4, the rejection of claim 4 is improper.

Claim 5 further recites a grip applied to the assist handle. Gabhart fails to disclose a grip applied to the closure. Since Gabhart fails to describe each and every element as set forth in claim 5, the rejection of claim 5 is improper.

Claim 6 further limits the handle mount to include a bracket for supporting the handle mount by the bed. The closure of Gabhart is supported by the locking mechanism. Hence, the locking mechanism most qualifies as a mount. However, it is not clear what feature of Gabhart the Examiner considers to be a bracket. Though the locking mechanism supports the closure, the locking mechanism is not supported by the bed. Since Gabhart fails to describe each and every element as set forth in claim 6, the rejection of claim 6 is improper.

Claim 7 further limits the handle mount to include a plate having a hole therein and a generally cylindrical sleeve supported relative to the plate with a passage therethrough that aligns with the hole. Gabhart does not disclose a plate with a hole and a sleeve supported relative to the plate with a passage that aligns with the hole. At best, Gabhart discloses a tubular casing 43 with a hole 41 and a tubular frame 23 with a passage 49, 51 that can align with the hole in the tubular casing. However, neither the casing nor the frame are a plate. Since Gabhart fails to describe each and every element as set forth in claim 7, the rejection of claim 7 is improper.

Claim 13 further limits the latch configuration to include a receiver for receiving a member of the assist handle and a hole and the member of the assist handle supports a locking pin that is releasably engageable with the hole to hold the member in the receiver. The tubular casing 43 disclosed by Gabhart houses the tubular frame 23 of the closure 22. The tubular casing has a hole 41. However, the closure 22 does not support a locking pin. Instead, a locking pin 39 is supported by the locking

mechanism 29. Since Gabhart fails to describe each and every element as set forth in claim 13, the rejection of claim 13 is improper.

Claim 14 further limits the latch configuration to include a cam surface which the pin engages as the assist handle enters the receiver to urge the pin in a first direction until the assist handle completely enters the receiver, at which point the pin plunges into the hole. The locking pin 39 disclosed by Gabhart may cam against the tubular frame 23 of the closure 22. However, this does not occur when the tubular frame 23 enters the tubular casing 43 to urge the pin in a first direction until the assist handle completely enters the tubular casing 43. Instead, the locking pin 39 disclosed by Gabhart cams against the tubular frame 23 between a first locking position and a second locking position, and at these positions, the pin plunges into a hole 49, 51. Since Gabhart fails to describe each and every element as set forth in claim 14, the rejection of claim 14 is improper.

Claim 17 further includes a mounting channel to which the handle mount is secured. A latch configuration is disposed on the channel at opposing sides of the mount. The assist handle is adapted to pivot in a first direction to engage a first latch configuration in a first position and about 180-degrees in a second direction to engage a second latch configuration in a second position. Gabhart fails to disclose a channel with a handle mount thereon and latch configurations on the channel on opposite sides of the mount. Since Gabhart fails to describe each and every element as set forth in claim 17, the rejection of claim 17 is improper.

Claim 18 further limits the channel to be structured to be mounted to the bed. The bed guard disclosed by Gabhart is not mounted to the bed but instead is mounted to the guardrail. Since Gabhart fails to describe each and every element as set forth in claim 18, the rejection of claim 18 is improper.

For at least the reasons set forth above, claims 1-7 and 13-18 should be allowable as written. Favorable reconsideration of these claims is respectfully requested.

Claims 1 and 5-11 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 5,069,465, issued to Stryker et al. This rejection is respectfully traversed.

Claim 1 recites an assist handle assembly for use on an articulating bed. The assembly comprises an assist handle, a handle mount, and one or more (not in Stryker) latch configurations. The handle mount is adapted to be supported by the bed and is provided for supporting the assist handle for movement relative to the bed. The latch configurations are provided for latching the assist handle in one or more fixed positions relative to the bed.

Stryker discloses handle assemblies 51, 52 on a hospital bed or stretcher 10, not on an articulating bed. The handle assemblies are supported by a casting 48, 49 (see lines 55-56 of col. 4). The handle assemblies aid an attendant in maneuvering a bed. They do not aid an occupant in entering and exiting the bed. Although Stryker fails to disclose the invention as set forth in claim 1, claim 1 has been amended to limit the assist handle to be readily removable from the handle mount without the aid of tools. None of the cited references disclose or suggest the invention set forth in claim 1. Since none of the cited references disclose or suggest the invention set forth in claim 1, claim 1 should be allowable as amended.

Claims 5-11 depend from claim 1 and should be allowable for at least the same reasons as claim 1, as set forth above.

Claim 5 further recites a grip applied to the assist handle. Stryker fails to disclose a grip applied to the closure. Since Stryker fails to describe each and every element as set forth in claim 5, the rejection of claim 5 is improper.

Claim 6 further limits the handle mount to include a bracket for supporting the handle mount by the bed. Handle assemblies 51, 52 disclosed by Stryker are supported by a surface 24 of the bed by the castings 48, 49. Hence, the castings most qualify as mounts. However, the castings do not include a bracket. Since Stryker fails to describe each and every element as set forth in claim 6, the rejection of claim 6 is improper.

Claim 7 further limits the handle mount to include a plate having a hole therein and a generally cylindrical sleeve supported relative to the plate with a passage therethrough that aligns with the hole. Stryker does not disclose a plate with a hole and a sleeve supported relative to the plate with a passage that aligns with the hole. At best, Stryker discloses a casting 48, 29 with a hole 58 and a sleeve 61. However, the sleeve does not have a passage that can align with the hole in the casting. Alternatively, Stryker discloses a sleeve 61 with a central opening 62 and a metal part 83. However, the metal part does not have a passage that can align with the opening in the sleeve. Since Stryker fails to describe each and every element as set forth in claim 7, the rejection of claim 7 is improper.

Claim 8 further limits the hole in the plate to have an irregular shape and the assist handle has a member that mates with the hole. The central opening 62 disclosed by Stryker has an irregular shape but the opening is through a sleeve 61, not a plate as set forth in claim 8. Since Stryker fails to describe each and every element as set forth in claim 8, the rejection of claim 8 is improper.

Claim 9 further limits the irregular shaped hole to be defined by at least one flat side and a curved side. Although the central opening 62 disclosed by Stryker has at least one flat side and a curved side, the central opening is through a sleeve 61, not a plate, as set forth in claim 9. Since Stryker fails to describe each and every element as set forth in claim 9, the rejection of claim 9 is improper.

Claim 10 further limits the irregular shaped hole to be defined by two opposing flat sides and two opposing curved sides. Although the central opening 62 disclosed by Stryker has two opposing flat sides and two opposing curved sides, the central opening is through a sleeve 61, not a plate, as set forth in claim 10. Since Stryker fails to describe each and every element as set forth in claim 10, the rejection of claim 10 is improper.

New Claims

New claims 19-35 have been added. None of the cited references disclose or suggest the invention set forth in claims 19-35. Consequently, claims 19-35 should be allowable as written.

Allowable Subject Matter

Applicants acknowledge that claim 12 would be allowable if rewritten in independent form. Claim 12 has been rewritten in independent form and thus should be in condition for allowance.

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.